UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,764	07/09/2003	Heiko Mauersberger	016072-001300US	2287

20350 7590 06/02/2005	EXAMINER
TOWNSEND AND TOWNSEND AND CREW, LLP	DALEY, CHRISTOPHER ANTHONY

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ART UNIT	PAPER NUMBER
2111	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/616,764	MAUERSBERGER ET AL.
	Examiner	Art Unit	
	Christopher A. Daley	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 11 are pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kleewein et al (US6360225) herein after Kleewein.

4.   As to claim 1, Kleewein discloses a device for data communication between a

first host device or a further host device and at least one client device on a shared

transmission path having:

a first host device (1), which includes a host application (11); (Kleewein teaches in

figure 2 of first host device 228 with application 110a)

at least one further host device (2), which includes a host application (21); (Kleewein

teaches in figure 1 with a plurality of host devices (servers,108A – 108C, which

comprise a database applications 110C – 110E), COL. 3, lines

at least one client device , which includes a client application (Kleewein teaches in

figure 2 of client 104 , which includes client applicant 212);

a bus control module ; (Kleewein teaches of bus control module 106 in figure 1)

the host devices and

the client device(s), as well as the bus control module , being connected to one another

by the transmission path for exchanging data and/or signals with one another and the

bus control module being implemented to control the access of the host devices to the

transmission path .(Kleewein teaches that said devices are connected together by

network 238 of figure 2).

5.   As to claim 2, Kleewein discloses the device according to claim 1, characterized

in that the first and/or the further host devices in particular the host application have a

processor. (Kleewein teaches that each host as illustrated in figure 2, comprises of a

processor, CPU 230 in host 108A).

6.   As to claim 3, Kleewein discloses the device according to claim 1, characterized

in that the transmission path (9) is implemented as a data bus. (Kleewein teaches that

transmission path is implemented as a data bus, LAN 238 of figure 2, COL. 5, lines 6 –

12).

7.   As to claim 4, Kleewein discloses the device according to claim 1, characterized

in that the host devices each have a master application interface module, which is

linked in the transmission path. (Kleewein teaches in figure 2 of an I/O interface module

234, that comprises a interface the main interface to the transmission path, COL. 4,

lines 60 – 67).

8.   As to claim 5, Kleewein discloses the device according to claim 4, characterized

in that the host devices each have a master application module, which connects the

particular host application to the assigned master application interface module. (It would

have been inherent that master application modules 110A, 110B, would comprise of

drivers that would enable connection to I/O interface module 234 to communicate with

its clients).

9.   As to claim 6, Kleewein discloses the device according to one of the preceding

claims, characterized in that each client device has a client application interface module,

which is linked in the transmission path and is connected to the assigned client

application. (However, it would have been inherent that client application 212 would

comprise drivers to connect with I/O interface module 208 that is coupled to

transmission path 238).

10.   As to claim 7, Kleewein discloses a method of data communication between a

first host device or a further host device and at least one client device on a shared

transmission path,

having the following steps(Kleewein teaches of establishing a link between client and

server, COL.5, lines 25 – 31).

opening a communication connection between a host application running on the host

device and a client application running on the client device; (Kleewein teaches of

receiving a request from client 104 that is coupled through interface module 106 to a

server (108a – 108c). Interface module 106 sets up the connection, Col. 6, line 65 –

Col. 7, line 27)

transmitting arbitration information on the transmission path along the opened

communication connection, the arbitration information containing data, on the basis of

which the transmission path is reserved for a predetermined time interval or for a

predetermined data volume for a subsequent data transmission on the transmission

path along the opened communication connection; (Kleewein teaches in 308 of figure

3 of an arbitration function, where a plurality of connection exist in 306, and a selection

is made in step 308, COL. 7, lines 33-34).

transmitting data and/or signals between the host application and the client application

and/or between the client application in the host application on the transmission path

along the opened communication connection. (Kleewein teaches in figure 7 of the

method used to transmit data from host to client device, steps 706 – 724, Col. 14, line

48 – Col. 15, line 30).

11.   As to claim 8, Kleewein discloses   the method according to claim 7,

characterized in that the arbitration information is transmitted as an arbitration block, an

arbitration block having arbitration data which includes information about the length of

the predetermined time interval or about the extent of the predetermined data volume

for the subsequent data transmission. (Kleewein teaches of arbitrating by selection a

connection from a plurality of connections in step 308 of figure 3 and determining the

resource needs in step 310 of figure 3).

12.   As to claim 9, Kleewein discloses   the method according to claim 8,

characterized in that the arbitration block has activity data which includes information

about the current state of the transmission path, from which it may be concluded

whether the transmission path is currently being used for data transmission. (Kleewein

teaches of checking the connections to the databases to determine which ones are free

or active that client specific request can be established as illustrated in figure 3)

13.   As to claim 10, Kleewein discloses the method according to claim 7,

characterized in that, in the event of an access wish of a host application to the

transmission path, the following steps are performed:

the master application interface module assigned to the host application accepts the

arbitration block present on the transmission path, reads out the activity data, checks,

on the basis of the activity data, whether the transmission path is currently free for data

transmission, writes, if the transmission path is free, activity data in the arbitration block

which indicates use of the transmission path by the host application, and transfers the

arbitration block to the bus control module via the transmission path; (Kleewein

teaches said steps in figure 3, COL. 6, line 64 – COL. 8, line 53).

upon which the bus control module reserves the transmission path for the access by

the host application. (Kleewein teaches of establishing connection, and checking to see

if additional connections are requested, but holds connection if warranted in 412 of

figure 4

14.   As to claim 11, Kleewein discloses   the method according to claim 10,

characterized in that, after termination of a data transmission, the activity data in the

arbitration block is reset by the master application interface module and the

transmission path is thus released again. (Kleewein teaches in figure 8 of freeing the

connection to be used by other transaction)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Daley whose telephone number is 571 272 3625. The examiner can normally be reached on 9 am. - 4p m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 571 272 3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAD
5/24/05

TIM VO
PRIMARY EXAMINER